

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HERSHELE BROWN, N.Y.S.I.D# [REDACTED]
PLAINTIFF,

RECEIVED
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2015 DEC 16 AM 10:11

-AGAINST-

CIVIL RIGHTS
COMPLAINT PURSUANT
TO 42 U.S.C. § 1983

PRINGLES, CORRECTIONS/S.R.G OFFICER;
JOHN DOE, CORRECTIONS/E.S.U CAPTAIN;
COVINGTON, CORRECTIONS/E.S.U OFFICER# 17730;
CALASSO, CORRECTIONS/E.S.U OFFICER# 15502;
HAMIL, CORRECTIONS/E.S.U OFFICER# 17745;
IN THEIR INDIVIDUAL AND OFFICIAL CAPACITY
DEFENDANTS.

15CV9848

JURY TRIAL DEMANDED.

1-) STATEMENT OF JURISDICTION

THIS IS A CIVIL ACTION SEEKING RELIEF AND/OR DAMAGES TO DEFEND AND PROTECT THE RIGHTS GUARANTEED BY THE CONSTITUTION OF THE UNITED STATES "EXCESSIVE USE OF FORCE" AND "DUE PROCESS" THIS ACTION IS FILED / BROUGHT TO THE COURT PURSUANT TO: 42 U.S.C. § 1983, THE COURT HAS JURISDICTION OVER THIS ACTION PURSUANT TO: 28 U.S.C. §§ 1331, 1343 (3) AND (4), AND 2201.

2-) PARTIES TO THIS ACTION

A-PLAINTIFFS' INFORMATION:

HERSHELE BROWN, BAC# 349-14-07084
G.R.V.C. / N.Y.C DEPARTMENT OF CORRECTION
09-09 HAZEN STREET
EAST ELMHURST, NEW YORK 11370.

B. DEFENDANT'S INFORMATION:

DEFENDANT #1): PRINGLES, OFFICIAL POSITION IS SECURITY RISK
GROUP CORRECTIONS OFFICER;
DEFENDANT IS SUED IN HER INDIVIDUAL AND OFFICIAL
CAPACITY.

EMPLOYED BY : THE CITY OF NEW YORK DEPARTMENT OF CORRECTIONS
@ MANHATTAN DETENTION COMPLEX
125 WHITE STREET
~~EAST ELMHURST~~
NEW YORK, NEW YORK 10013.

DEFENDANT #2): JOHN DOE, OFFICIAL POSITION IS EMERGENCY SERVICE
UNIT CAPTAIN;
DEFENDANT IS SUED IN HIS INDIVIDUAL AND OFFICIAL
CAPACITY.

EMPLOYED BY): THE CITY OF NEW YORK DEPARTMENT OF CORRECTIONS @
EMERGENCY SERVICE UNIT
75-20 ASTORIA BOULEVARD
EAST-ELMHURST, NEW YORK 11370.

DEFENDANT #3): COVINGTON, OFFICIAL POSITION IS EMERGENCY
SERVICE UNIT/RRT CORRECTION OFFICER;
DEFENDANT IS SUED IN HIS INDIVIDUAL AND OFFICIAL CAPACITY.

EMPLOYED BY : THE CITY OF NEW YORK DEPARTMENT OF CORRECTIONS. @
EMERGENCY SERVICE UNIT
75-20 ASTORIA BOULEVARD
EAST ELMHURST, NEW YORK 11370.

DEFENDANT #4): CALASSO, OFFICIAL POSITION IS EMERGENCY SERVICE
UNIT/RRT CORRECTION OFFICER
DEFENDANT IS SUED IN HIS INDIVIDUAL AND OFFICIAL
CAPACITY.

EMPLOYED BY : THE CITY OF NEW YORK DEPARTMENT OF CORRECTIONS @
EMERGENCY SERVICE UNIT
75-20 ASTORIA BOULEVARD
EAST ELMHURST, NEW YORK 11370.

DEFENDANT #5): HAMIL, OFFICIAL POSITION IS EMERGENCY
SERVICE UNIT/RRT CORRECTION OFFICER;
DEFENDANT IS SUED IN HIS INDIVIDUAL AND OFFICIAL
CAPACITY.

EMPLOYED BY : THE CITY OF NEW YORK DEPARTMENT OF CORRECTIONS @
EMERGENCY SERVICE UNIT
75-20 ASTORIA BOULEVARD
EAST ELMHURST NEW YORK 11370.

3-) PREVIOUS LAWSUITS IN STATE AND/OR FEDERAL COURT

I HAVE NOT BEGUN/FILED ANY OTHER LAWSUITS IN STATE NOR FEDERAL COURT.

4-) STATEMENT OF CLAIM[S]

FED. R. CIV. P. 8(A) STATES THAT ALL PLEADINGS MUST CONTAIN A SHORT AND PLAIN STATEMENT OF CLAIM SHOWING THAT THE PLEADER IS ENTITLED TO RELIEF. THE FUNCTION OF PLEADINGS UNDER FEDERAL RULES IS TO GIVE FAIR NOTICE OF THE CLAIM[S] ASSERTED. FAIR NOTICE IS THAT WHICH WILL ENABLE THE ADVERSE PARTY TO ANSWER AND PREPARE FOR TRIAL, ALLOW THE APPLICATION OF RES JUDICATA, AND IDENTIFY THE NATURE OF THE CASE SO IT MAY BE ASSIGNED THE PROPER FORM OF TRIAL. SEE [SIMMONS-V. ABRUZZO, 49 F.3D 83, 86 (2D CIR. 1995).] FED. R. CIV. P. 10(B) STATES THAT [ALL AVERMENTS OF CLAIM...SHALL BE MADE IN NUMBER PARAGRAPHS, THE CONTENTS OF EACH OF WHICH SHALL BE LIMITED AS FAR AS PRACTICABLE TO A SINGLE SET OF CIRCUMSTANCES.

5-) EXHAUSTION OF ADMINISTRATIVE REMEDIES

WITH RESPECT TO 42 U.S.C. § 1997E(A) PLAINTIFF BRINGS TO THIS HONORABLE COURTS ATTENTION THAT THE NEWYORK CITY DEPARTMENT OF CORRECTIONS ALLEGES THAT "EXCESSIVE USE OF FORCE" AND "ASSAULT" BY PRISON GUARDS IS NONE GRIEVABLE, SECONDLY PLAINTIFF INDEED FILED A NOTICE OF CLAIM WITH THE CITY COMPTROLLERS OFFICE, WHICH INDEED EXHAUSTED HIS REMEDIES.

6-) CLAIM/COMPLAINT

ON MARCH 6, 2015 AT APPROXIMATELY 11:40 AM, IN THE CONFINES OF GEORGE R. VIerno CENTER HEREINAFTER "G.R.V.C." HOUSING AREA - 7-A, WHICH IS A FACILITY UNDER THE IMMEDIATE JURISDICTION OF THE CITY OF NEW YORK DEPARTMENT OF CORRECTION, ON THE FOREGOING DATE, APPROXIMATE TIME AT SAID LOCATION AN TACTICAL SEARCH OPERATION WAS IN PROGRESS, SUPERVISED BY DEFENDANT-JOHN DOE WHEN DEFENDANT-COVINGTON ARRIVED TO PLAINTIFFS CELL LOCATION, CELL #18 (COVINGTON) STEPPED ~~TO~~ TO PLAINTIFFS CELL AND DIRECTED PLAINTIFF TO STRIP, WHICH PLAINTIFF WAS FULLY COMPLIANT WITH ALL ORDER, HOWEVER (COVINGTON) TOOK ONE OF PLAINTIFF PERSONAL SNEAKERS AND FOLDED IT IN HALF AND USED IT TO WEDGE THE CELL DOOR TO KEEP IT AJAR, WHEN PLAINTIFF ASKED WHY (COVINGTON) MUST USE HIS SNEAKER, (COVINGTON) THEN BECAME VERY BELLIGERENT AND STATING DONT QUESTION WHAT THE FUCK I DO, DO AS YOUR TOLD AND SHUT THE FUCK UP, PLAINTIFF THEREAFTER INFORMED (COVINGTON) THAT HE WAS BEING VERY UN-PROFESSIONAL, AT THIS POINT (COVINGTON) STATED TO PLAINTIFF ARE YOU REFUSING THIS SEARCH, WHICH PLAINTIFF ~~CO~~ RESPONDED THAT HE WAS NOT REFUSING, ONCE PLAINTIFF COMPLETED THE "STRIP FRISK" PORTION OF SAID SEARCH, (COVINGTON) DIRECTED PLAINTIFF TO GRAB HIS MATTRESS FOLD IT IN HALF OVER HIS ARMS AND BACK OUT OF THE CELL, IN WHICH PLAINTIFF WAS FULLY COMPLIANT WITH ALL ORDERS GIVEN TO HIM, AS PLAINTIFF WAS BACKING OUT OF CELL

DEFENDANT-COVINGTON | TACKLED PLAINTIFF DOWN TO THE GROUND IN BETWEEN THE CELL DOOR AND ~~OUT~~ TIER, (COVINGTON) WAS STRIKING PLAINTIFF ALL OVER HIS UPPER AND LOWER BACK AND THE ENTIRE HEAD AND FACIAL AREA WITH CLOSED FIST PUNCHES, AT THIS POINT DEFENDANT(S)-CALASSO; AND HAMIL JOINED (COVINGTON) AND STARTED KICKING / STOMPING PLAINTIFF ALL OVER HIS UPPER / LOWER BACK AND HIS HEAD THESE CURRUPTED PRISON OFFICIALS USED AN EXTREME AMOUNT OF UNNECESSARY BRUTE FORCE AGAINST AND ON PLAINTIFF (MR. BROWN) MOREOVER DEFENDANT-JOHN DOE WAS THE SUPERVISOR OF THIS TACTICAL SEARCH OPERATION, AND HE AT NO TIME STOPPED THE DEFENDANTS FROM VIOLATING (MR. BROWN) CONSTITUTIONAL ~~RIGHTS~~ RIGHTS TO BE FREE FROM CRUEL AND UNUSUAL PUNISHMENT, WHICH IS PROTECTED BY THE 8TH AMENDMENT OF THE UNITED STATES ~~CON~~ CONSTITUTION, WHEREFORE DEFENDANT JOHN DOE INDEED ACTED UNDER A COLOR OF LAW WITH REGARDS TO (MR. BROWN) CONSTITUTIONAL RIGHTS, MORE OVER DEFENDANTS COVINGTON; CALASSO; AND HAMIL ALL ACTED UNDER A COLOR OF LAW WHEREFORE THEY ALL KNOW THAT THE DEPARTMENTAL RULES & REGULATION REFRAINS THEM FROM USING AN UNNECESSARY FORCE, AS A RESULT OF THE DEFEDANT(S) VIOLATIONS OF (MR. BROWNS) CONSTITUTIONAL RIGHTS, (MR. BROWN) SUSTAINED SOME MINOR INJURIES MEDICALLY NOTED A SMALL ABRASION TO THE LEFT SIDE OF HIS TEMPLE AREA, YET HE FURTHER HAS MAJOR LIFE LONG INJURIES: SUCH AS EXTREME LOWER BACK PAIN, CONSTANT MIGRAINE HEADACHES, PERMENANT BLURRED VISION IN HIS LEFT EYE, AND CONSTANT NIGHTMARES OF BEING

"BEATDOWN" ASSAULTED BY CORRECTION OFFICIALS, MOREOVER WHEN EVER (MR. BROWN) COMES IN CONTACT WITH ESU OFFICERS WHICH IS OFTEN HE BECOMES VERY NERVOUS AND FEARFUL, DEFENDANT(S) CRUEL AND UNUSUAL ACTS TO DATE HAS (MR. BROWN) GOING THROUGH PHYSICAL THERAPY AS WELL AS MENTAL THERAPY.

DEFENDANT-PRINGLES DENIED PLAINTIFF DUE PROCESS WHEREFORE SHE IS THE SECURITY RISK GROUP CORRECTION OFFICER ASSIGNED TO MANHATTAN DETENTION COMPLEX WHERE (MR. BROWN) WAS TRANSFERRED TO AS A RESULT OF THE INCIDENT THAT TRANSPIRED ON MARCH 6TH, 2015; UPON ARRIVAL TO MANHATTAN DETENTION COMPLEX IT WAS THE SCOPE OF DEFENDANT-PRINGLES DUTIES TO ENSURE THAT (MR. BROWN) WAS TIMELY SERVED NOTICE OF DISCIPLINARY INFRACTION FORM # 6500-A; SEE EXHIBIT-A AS OUTLINED IN NYC DOC DIRECTIVE # 6500-B STATES THAT ~~INMATES~~ INMATES MUST BE SERVED WITH NOTICE OF INFRACTION WITHIN 72 HOURS OF THE INCIDENT THIS INCIDENT OCCURRED ON 3/6/2015 AND PLAINTIFF WAS SERVED ON 3/11/2015 SEE EXHIBIT(S) (A), AND (B) WHEN BROUGHT TO DEFENDANT-PRINGLES TOLD (MR. BROWN) FUCK HIS CONSTITUTIONAL RIGHTS SHE RUNS SHIT HERE LOOK AT THAT SIGN SEE WHAT IT SAYS MS. P'S HEARING OFFICE, THIS INDEED DENIED (MR. BROWN) HIS DUE PROCESS.

7-) RELIEF SEEKING

A-) COMPENSATORY DAMAGES:

1) PLAINTIFF RESPECTFULLY DEMANDS \$2. MILLION DOLLARS IN COMPENSATORY RELIEF FOR THE PAIN AND SUFFERING HE WENT THROUGH THEN, CURRENTLY GOING THROUGH NOW AND WILL POSSIBLE GO THROUGH IN THE FUTURE AS A RESULT OF THE DEFENDANT(S) ACTION. SEE MEDICAL RECORDS ATTACHED.

2) PLAINTIFF, FURTHER RESPECTFULLY DEMANDS AN ADDITIONAL \$2. MILLION DOLLARS FOR THE EMOTIONAL STRAIN, MENTAL ANGUISH, AND PSYCHOLOGICAL TRAUMA THAT (MR. BROWN) IS CURRENTLY GOING THROUGH, WENT THROUGH NUNC PRO TUNC AND WILL GO THROUGH, NIGHTMARES OF CORRECTION OFFICIALS TRYING TO ASSAULT HIM, ETC.

B-) INJUNCTIVE RELIEF:

PENDING THE OUTCOME OF THIS ACTION ALL DEFENDANTS HEREIN BE SUSPENDED, AND FURTHER A TEMPORARY RESTRAINING ORDER BE ISSUED RESTRAINING DEFENDANTS AND THEIR COUNTER PARTS FROM RETALIATING AGAINST PLAINTIFF IN ANY WAY

PURSUANT TO 28 U.S.C. § 1746 I DECLARE UNDER THE PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

DATED: NOVEMBER 21ST 2015
EAST ELMHURST, NEW YORK



RESPECTFULLY SUBMITTED
x Hershele Brown
HERSHELE BROWN
PLAINTIFF PRO-SE

CORRECTION DEPARTMENT CITY OF NEW YORK		Form: 6500A Rev. 02/09/07 Ref: Do. #6500A-B	
REPORT AND NOTICE OF INFRACTION			
Infraction #	Institution: GRVC	Date of Incident: 3/6/2015	Date: 3/8/2015
Inmate Name (Last, First): Brown, Hershele		Sentence #: 349-14-07084	
Location of Incident (Be Specific): Building 7A cell #18		Housing Area: 7A-18	Post: 40 hrs
Charge # 120.10 109.10	Offense refusal to obey a direct order physically resisting staff	Change # 110.10	Disruption of institutional services
Reporting Official (Print Name, Rank and Shield #): Francois, V. Correction Officer #8810		Reporting Official (Signature): <i>[Signature]</i>	
<p>Details of Incident (Include Details as to How, When and Where Infraction was Committed): On Friday, March 6, 2015 at approximately 1140 hours in housing unit 7A during an Emergency Service Unit search, as reported by ESU/ RRT Officer Covington # 17730 who instructed inmate Brown Hershele B&C 349-14-07084 to place his mattress under his arm and exit his assigned cell #18. Inmate Brown without warning or provocation dropped his mattress to the floor and simultaneously advanced towards Officer Covington in an aggressive fighting stance. Officer Covington immediately utilized an upper body control hold on inmate Brown taking him to the floor where inmate Brown continued his aggression, refusing all orders given to him by Officer Covington to stop resisting. Officer Hamil #17745 and Officer Calaseo #15502 then came to the assistance of Officer Covington by applying mechanical restraints to inmate Brown who then ceased his aggression. Inmate Brown was then assisted to his feet by Officer Covington and Officer Hamil and escorted out of the area without any further incident.</p>			
<p>You are entitled to a hearing for this infraction no sooner than twenty-four (24) hours after you are served with this Notice. If you are a sentence inmate and you commit an infraction within twenty-four (24) hours prior to your discharge, and have not reached your maximum sentence expiration date, you may be served with charges and held for a hearing. The Department will make every effort to hold this hearing within three (3) business days of the service of this notice. This three (3) business day period excludes the day you are served, weekends, holidays, days you go to court (whether in person or via teleconference), days you are hospitalized or at a hospital attending a clinic, days you leave the facility for an attorney interview, days you are unavailable because you are transferred to another facility and days you are unavailable due to your absence from the facility for any purpose. The three (3) business day period is automatically extended by one (1) one business day if you are transferred to another facility prior to your hearing because you are a Pre-Hearing Detention Inmate. Commencement of a hearing after three (3) business days is at the discretion of the Adjudication Captain and is not barred by Departmental rules.</p>			
<p>At your hearing you have the following rights:</p> <ol style="list-style-type: none"> 1. Right to appear personally, unless you waive your right to appear, refuse to attend the hearing or appear at the hearing and become disruptive. 2. Right to make statements. If you choose to remain silent, your silence cannot be used against you. If you make a statement, such statement cannot be used in a subsequent criminal trial unless you have been given a Miranda Warning and then voluntarily testify. 3. Right to present personal evidence. 4. Right to present witnesses. 5. Right to the assistance of a Hearing Facilitator if the Adjudication Captain deems one is necessary. 6. Right to an interpreter if you cannot communicate well enough in English. 7. Right to appeal. 			
<p>Within twenty-four (24) hours of the Adjudication Captain reaching a decision of guilty, you will receive a copy of the "NOTICE OF DECISION AND HEARING RIGHTS". This form informs you of the violation(s) you are found guilty of, the basis for that finding, the evidence relied upon and the penalty to be imposed. The following penalties are the maximums which may be imposed individually or in any combination:</p> <ol style="list-style-type: none"> 1. Reprimand. 2. Loss of all privileges. 3. Loss of good time if you are a sentence inmate. 4. Punitive segregation for up to thirty (30) days per each applicable individual charge. 5. Punitive segregation for up to thirty (30) days per each applicable individual charge. 6. Punitive segregation for intentionally damaging or destroying City property. <p>A twenty five (\$25.00) dollar disciplinary surcharge will be imposed on all inmates found guilty of a Grade I or Grade II offense.</p> <p>You have the right to appeal an adverse decision rendered by the Adjudication Captain.</p>			
Interpreter Requested		<input type="checkbox"/> Yes (If yes, include what language) <input type="checkbox"/> No	
Hearing Facilitator Requested		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Witnesses Requested		<input type="checkbox"/> Yes (If yes, include witness(es) Name, Book and Case Number (if inmate) or Shield ID (if staff) and Location (if inmate) or Post (if staff)) <input type="checkbox"/> No	
Witness (Print Name)		B&C Number	Location
Witness (Print Name)		B&C Number	Location
Witness (Print Name)		Shield ID Number	Post
I certify that I received a copy of this notice		Date: 3/11	Time: 2:00
Served by (Print Name, Rank and Shield #): Strickland		Signature of Served: <i>[Signature]</i>	

Inmate Copy

EXHIBIT-B

416R



	EFFECTIVE DATE 03/29/06	SUBJECT INMATE DISCIPLINARY DUE PROCESS		
	CLASSIFICATION # 6500R-B			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 2 OF 21 PAGES	

III. PROCEDURES (cont.)

3. The investigation shall commence within twenty-four (24) hours of the incident. At the conclusion of the investigation, the supervisor investigating the incident shall document their official report on Form #6500B "Investigation Report" (Attachment B) and notice of any resulting infraction shall be served upon the inmate as soon as practicable but no later than three (3) business days after the incident, unless extenuating factors exist which would require an extension of such time limit. For infractions comprised solely of Grade II and Grade III violations, that extension shall not exceed ten (10) days after the incident. For infractions that include Grade I rule violations, the time limit may be extended beyond ten (10) days to thirty (30) days under the following circumstances:
- The underlying event is a major disturbance in which multiple inmates are alleged to have committed multiple rule violations;
 - As a result of the inmate's alleged misconduct, staff or inmate witnesses necessary to the investigation cannot be questioned (e.g., hospitalized or otherwise unavailable) by supervisory staff conducting the investigation;
 - Sufficient evidence to warrant the initiation of disciplinary proceedings only becomes known to the Department after the ten (10) day period has elapsed.

NOTE: In the case of an escapee or absconder the time will be held in abeyance until such time as the escapee or absconder is returned to custody.

In any case in which an inmate is served with an infraction more than three (3) business days after the incident, the supervisor conducting the investigation must explain in writing, with specificity, the reasons why the infraction could not be completed sooner and steps that were taken to complete it.

	CORRECTION DEPARTMENT CITY OF NEW YORK		
	INJURY TO INMATE REPORT		
		Page 1 of 2 Pages	Form: #167R-A Rev.: 01/31/08 Ref.: Dir. #4516R-A

INSTRUCTIONS: Original Report to Security, One copy to Clinic Lock Box, One Copy to Inmate Medical FDB.

Command: GRJC Date: 3/6/15 COO/JOF #: Injury #: AN15/2081

TO BE COMPLETED BY EMPLOYEE (PLEASE PRINT CLEARLY).

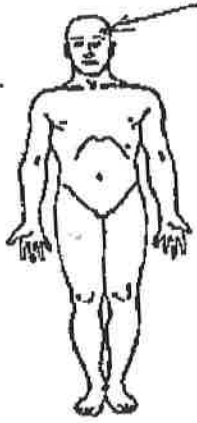
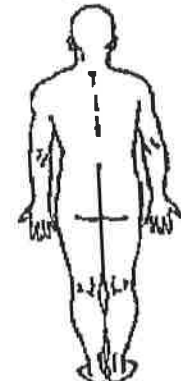
Inmate Name (Last Name, First Name): Brown Hershale

Location: 7A Work: NYSID #: 063620013 Book & Case/Sent #: 3491407084

Details: ON FRIDAY MARCH 6th 2015 AT APPROXIMATELY 1200, 204th
BROWN HERSHALE #3491407084/063620013 WAS PLACED IN
A USE OF FORCE WITH DOC STAFF.

Supervisor Notified (Print Last Name, First Name, Rank, Shield #): HAMILTON CPT #283 Date: 03/06/15 Time: 1000 Hrs.
 Employee: ☐ (Did) ☒ (Did Not) Witness This Injury. Employee Signature: [Signature] Rank/Title: CO Shield ID #: 14113

TO BE COMPLETED BY MEDICAL STAFF ONLY - (PLEASE PRINT CLEARLY)

Date of Injury: <u>3/6/15</u>	Reported for Medical Attention: <u>3/6/15 1400hrs.</u>	Inmate Refused Medical Attention: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Visible Injuries: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Nature of Injury and Cause: <u>PATIENT COMPLAINT OF LOWER</u> <u>BACK PAIN AND HEADACHE</u> <u>ON EXAMINATION MINIMAL SWELLING</u> <u>NOTED ON R. LEFT SIDE OF</u> <u>FORE HAND.</u>			Medical Staff Must Note Location of Injury:  
Treatment: <u>NONE ALREADY</u>			
Treated By/Examined By (Print and Sign Full Name): <u>Pravin Ranjan, MD</u>			
Referrals to Other Medical Services (If Yes, Document Medical Findings): <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Treated By/Examined By (Print and Sign Full Name): <u> </u>			Title: <u> </u>

Please Check

☒ Return to☐ Work Release

Days

☐ Light Duty

Days

☐ Sick Leave☐ Other☐ Other

Written Sworn Affidavit

On March 6, 2015 at approximately 11:40 A.M. during a TSO Search while at GRVC C.F., I Hershele Brown I.D. # 349-14-071 NYSID # 6362001J, was unnecessarily assaulted by ESU/RRT officer Covington #17730, as well as other ESU/RRT officers during the time a search of my cell was supposedly being conducted. ESU/RRT officer Covington #17730, was the officer who initially approached my cell for this alleged cell search. ESU/RRT officer Covington #17730 then instructed me to begin a "strip frisk" by first handing him my sneakers, in which I complied. ESU/RRT officer Covington #17730 then began to use (1) of my personal sneaker to hold open my cell door by wedging it up in between the door. At the time I asked ESU/RRT officer Covington #17730, "Why did he have to wedge my sneaker in between?" I then suggested that he should use a book or magazine like just about every other officer does to everyone during a cell search". ESU/RRT officer Covington #17730 then responded by stating, "Don't question what the fuck I do, just do what the fuck you're told to do and shut the fuck up." I then responded by stating to officer Covington #17730 that he's being very unprofessional by talking to me in this manner ESU/RRT officer Covington #17730 responded by stating, "Are you refusing to comply with this cell search". I then informed him that "I was not refusing to comply", and began to strip frisk as instructed. Upon completion of this strip frisk, I was instructed by ESU/RRT officer Covington #17730 to pick up my mattress from off the bed and to place the mattress under both arms, and to turn around backwards and step outside of the cell. As I did as instructed and turn around and began to exit my

hollo

cell by Stepping backwards, I was then tackled to the ground by ESU/ERT officer Covington #17730. ESU/ERT officer Covington #17730 held me to the ground by remaining on top of me, and while on the ground I began to hear other ESU/ERT officers run into my cell. These officers then began to kick and punch me while being held to the ground defenseless by ESU/ERT officer Covington #17730 as well as other ESU/ERT officers. As a result of this defenseless attack demonstrated upon me by these ESU/ERT officers, I was kicked into the head as well as purposely knicked into my back several times while on the ground. Within the misbehavior report written on me, which was to justify this intentional brutality brought upon me by these officers, you will see that the body of this misbehavior report is incomplete. The officer that wrote this misbehavior report never gives a reason for me allegedly dropping my mattress to the floor and advancing towards ESU/ERT officer Covington #17730. The actions described within the misbehavior report are of someone "mentally unstable" for a person to decide to aggressively advance towards someone for no reason, as suggested within this misbehavior report. If you check my mental health background, you will find that I have "no history of being mentally unstable", which as a result, will further support my claim of these ESU/ERT officers fabricating their reason for committing this act of brutality upon me. Attached to this "Sworn Affidavit", you will find my medical records indicating that as a result of this "Correction Officers Brutality", I sustained "physical injuries". You will find that as a result of being "kicked in the head" by one of these ESU/ERT officers, I had swelling in the left side of my "temple area". As a result of this kick in

the head, I have been experiencing "Constant Headaches" as well as "blurred Vision" in my "left eye." Also, on behalf of being kned into my "lower back" several times by ESU/RET officer Covington #17730, I have been having extreme "lowerback pain" on a regular basis. I was diagnosed with a "lowerback lumbro sprain and strain" by Orthopedic Doctor Gordon Kennedy of West Facility Correctional Facility. As a result of this back issue, I have been attending "Physical Therapy" at West Facility Correctional Facility on a weekly basis. In ending, You will see that all injuries proclaimed here within this "Sworn Affidavit" are injuries sustained as a result of the brutality inflicted upon me by these ESU/RET officer's on the date of March 6, 2015, and was never a issue of injury on record until this date. I ask that upon review of this "Entire Incident", I am granted "Fair and Just" Compensation as a result. I also hope that a prompt agreement can be reached that will resolve this issue in a respectful manner.

Respectfully Submitted,
Hershele Brown

Hershele Brown I.D.# 349-14-07084

[REDACTED] MDC Correctional
Facility, 125 White St., New York, N.Y. 1001

Sworn to before me this
8th day August 2015
S. Gressom

S. Gressom
Commissioner of Deeds
City of New York No: 2-13098
Certificate No: 1 in: Kings County
Commission Expires: June 1 2017